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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,338	02/25/2004	Frank W. O'Neal	P1918US01	4564
24333 7590 12/27/2006 GATEWAY, INC. ATTN: Patent Attorney 610 GATEWAY DRIVE MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER CRIBBS, MALCOLM D	
			ART UNIT	PAPER NUMBER
			2115	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/27/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/786,338

Applicant(s)

O'NEAL, FRANK W.

Examiner

Malcolm D. Cribbs

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/14/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-15 are presented for examination.

5 ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10 **Claim 1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the PXE boot extension server" in the 3rd line of
15 claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25 **Claims 1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's Admitted Prior Art [AAPA] in view of Lee et al [Publication No. US 2003/0018751].

As per claim 1, AAPA discloses a method of booting a computer over a network using PXE boot extensions, loaded from a PXE boot extension server, manually selected by a user after searching through a complete list of extensions based on the desired configuration of the booting computer. AAPA does not disclose providing a

5 BIOS identifier to the PXE boot extension server and loading the PXE extensions based on the identifier.

Lee discloses a method downloading from a server wherein Lee includes sending an identifier to a server and thereafter, in response to the identifier being
10 received, receiving specific content corresponding to the identifier from the server [Page 1, [0012]]. Lee has the additional feature of not requiring the user to search the content of the server by filtering unwanted content based on the received identifier.

It would have been obvious to one of ordinary skill of the art having the teachings
15 of AAPA and Lee at the time the invention was made, to modify the method of the user searching and selecting the extensions available to include the ability of the user to receive the required content based on an identifier sent to the server as taught by Lee. One of ordinary skill in the art would have been motivated to make this combination of including a method of sending specific content based on the identifier in view of Lee, as
20 doing so would give the added benefit of not requiring the user to search and select through unwanted content [as taught by Lee above].

As per claim 2, AAPA teaches the claimed invention of the PXE boot extension comprising a program operable to install an operating system on the computer.

As per claim 3, it would have been inherent to one of ordinary skill in the art to
5 boot the computer from another networked computer wherein a computer accesses a network to communicate with the server as know in the art another computer can also be accessed through the network with the same intent.

As per claim 4-5, it would be inherent to one of ordinary skill in the art of
10 identifying a requesting client of a server by configurations of the memory and also any number identification including a product code as taught by Lee.

As per claims 6-10, it is directed to a computerized system to implement the method of steps as set forth in claims 1-5. Therefore, it is rejected on the same basis
15 as set forth hereinabove.

As per claims 11-15, it is directed to the computerized server to implement the method of steps as set forth in claims 1-5. Therefore, it is rejected on the same basis as set forth hereinabove.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malcolm D. Cribbs whose telephone number is 571-272-5689. The examiner can normally be reached on M-F 8AM-430PM.

5 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for
10 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
15 USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Malcolm D Cribbs
Examiner
Art Unit 2115

20 December 14, 2006
MC


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PRIMARY EXAMINER